

109TH CONGRESS
2D SESSION

H. R. 5280

AN ACT

To amend the Federal Food, Drug, and Cosmetic Act with respect to the distribution of the drug dextromethorphan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Dextromethorphan
3 Distribution Act of 2006”.

4 **SEC. 2. FOOD AND DRUG ADMINISTRATION; RESTRICTIONS**
5 **ON DISTRIBUTION OF DEXTROMETHORPHAN.**

6 (a) IN GENERAL.—Subchapter A of chapter V of the
7 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351
8 et seq.) is amended by inserting after section 503A the
9 following:

10 **“SEC. 503B. RESTRICTIONS ON DISTRIBUTION OF**
11 **DEXTROMETHORPHAN.**

12 “(a) IN GENERAL.—Not later than one year after the
13 date of the enactment of the Dextromethorphan Distribu-
14 tion Act of 2006, the Secretary shall issue a final rule
15 to prohibit the distribution of unfinished
16 dextromethorphan to any person other than a person reg-
17 istered under section 510, subject to subsection (b).

18 “(b) FURTHER RESTRICTIONS.—Subsection (a) does
19 not restrict the authority of the Secretary under section
20 201.122 of title 21, Code of Federal Regulations.

21 “(c) UNFINISHED DEXTROMETHORPHAN.—For pur-
22 poses of this section, the term “unfinished
23 dextromethorphan” means dextromethorphan that is not
24 contained in a drug that is in finished dosage form.”.

1 (b) ENFORCEMENT.—Section 301 of the Federal
2 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-
3 ed by adding at the end the following:

4 “(ii) The distribution of unfinished
5 dextromethorphan in violation of regulations under section
6 503B.”.

Passed the House of Representatives December 6,
2006.

Attest:

Clerk.

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